

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Jerry Ngome Komando

v.

Case No. 22-cv-425-SE

FCI Berlin, Warden

ORDER

After due consideration of the responses filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated January 13, 2023.

For the reasons stated therein:

1. The court grants Mr. Komando's motions for summary judgment (doc. nos. 2, 8);
2. The court denies the warden's motion for summary judgment (doc. no. 6);
3. The court grants Mr. Komando's § 2241 petition (doc. no. 1).

The warden filed a response to the January 13, 2023, Report and Recommendation on January 31, 2023. The response recalculated Mr. Komando's projected release date after the application of his First Step Act earned time credits. This order does not adopt or reject that projected release date and,

in accordance with the court's January 24, 2023 endorsed order, Mr. Komando may file a motion to appoint counsel on or before February 13, 2023. If the court grants such a motion, it will issue an order setting the deadline for a response to the government's projected release date. Alternatively, Mr. Komando may file a response to the government's projected release date on or before February 21, 2023.



Samantha D. Elliott
United States District Judge

Date: February 6, 2023

cc: Jerry Ngome Komando, pro se
Heather A. Cherniske, AUSA